

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1 3-6, 8-11 and 14-23 remain pending in this application.

Claims 19 and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,451,032 to Ory et al. (hereinafter simply referred to as "Ory"). Claims 20 through 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ory. Claims 20 through 23 all depend from claim 19. These rejections are respectfully traversed.

Nowhere does Ory teach or suggest a process for preparing a textile including preparing a solution A of a hydrophilic absorbable material, impregnating at least part of the surface of a porous textile support with solution A, wherein the macroporous texture of the textile support is *not occluded* and drying the impregnated part of the textile support as recited in claim 19.

Rather, Ory discloses the preparation of a film resulting from two thin layers applied to a flat inert support. The first thin layer is positioned on the flat inert support as a solution and allowed to dry before the second thin layer of solution is superimposed on the first thin layer. A textile may then be added to the second thin layer prior to drying. Since the first thin layer is dried prior to the addition of the textile, the film forms a planar layer that will occlude the macroporosity of the flat inert support. This is contrary to the process of claim 19, whereby the macroporous texture of the textile support is not occluded. Therefore, Ory fails to anticipate or render obvious the process of claim 19. Claims 20 and 23 all depend from claim 19 and incorporate its limitations therein, so Ory similarly fails to anticipate or render obvious claims 19 through 23 and reconsideration of the rejections of claims 19 through 23 is respectfully requested.

Claims 1, 3, 6 through 10 and 12 through 18 were rejected under 35 U.S.C. §103 as being unpatentable over WO 02/078568 to Browning (hereinafter simply referred to as "Browning") in view of U.S. Publication No. 2003/0023316 to Brown (hereinafter simply referred to as "Brown"). This rejection is respectfully traversed.

Nowhere does Browning teach or suggest a composite prosthesis for reinforcement of a tissue structure including a porous textile support with a microporous texture and a macroporous texture wherein a hydrophilic absorbable material coats the textile support occluding at least the microporous texture, but without occluding the macroporous texture as presently recited in claim 1.

Rather, as noted by the Examiner (see page 5, lines 13-19 of the Office Action) and contrary to the prosthesis of present claim 1, Browning teaches the use of a film which occludes the macroporosity of the textile over the protected zone, i.e., the zone possessing a coating. As further noted by the Examiner (see page 6, line 1-3 of the Office Action), Browning also fails to disclose the use of a noncontinuous absorbable material. Thus, as Browning does not disclose the use of a film of an absorbable material which is noncontinuous and does not occlude the macroporous texture of the support, Browning fails to anticipate or render obvious claim 1, as well as any claims depending directly or indirectly therefrom, which include claims 3, 6 through 10 and 12-18.

Brown fails to remedy the deficiencies of Browning. While Brown teaches a textile having a film which does not cover the entire textile, nowhere does Brown disclose or suggest a porous textile having a macroporous texture and a protected zone (coated portion) wherein an absorbable noncontinuous film coats the textile and the macroporous texture of the textile in the

protected zone is not occluded. Thus, Brown cannot be combined with Browning to render any of the pending claims obvious and reconsideration of this rejection is respectfully requested.

Accordingly, withdrawal of the rejections regarding claims 1, 3, 6 through 10 and 12 through 18 as recited above is respectfully requested.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Brown and further in view of Ory. Claim 4 depends from claim 1, and claim 5 depends from claim 4. This rejection is respectfully traversed.

As noted above, neither Browning nor Brown, taken alone or in any combination, render obvious claim 1 or any claim depending therefrom. Ory fails to remedy the deficiencies of Browning, no matter how these references may be combined. Nowhere in Ory is a porous textile having a macroporous texture and a protected zone (coated portion) wherein an absorbable noncontinuous film coats the textile and the macroporous texture of the textile in the protected zone is not occluded. Rather, Ory discloses a film resulting from two superimposed thin layers of bioabsorbable materials applied to a flat inert support. The first thin layer is positioned on the flat inert support as a solution and allowed to dry before the second thin layer of solution is superimposed on the first thin layer. A textile may then be added to the second thin layer prior to drying. Since the first thin layer is dried prior to the addition of the textile, the film does not preserve the macroporous texture of the textile, i.e., the film occludes the macroporosity of the textile in the protected zone (coated portion). Thus neither Browning, Brown nor Ory, taken alone or in any combination, render claims 4 and 5 obvious and reconsideration of this rejection is respectfully requested.

Accordingly, withdrawal of the rejections regarding claims 4 and 5 as recited above is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Brown, further in view of European Patent No. 0774240 to Landgrebe (hereinafter simply referred to as "Landgrebe"). Claim 11 depends from claim 1, and thus incorporates all of its limitations therein. This rejection is respectfully traversed.

As noted above in great detail, neither Browning nor Brown, taken alone or in any combination, render obvious claim 1 or any claim depending therefrom. Landgrebe fails to remedy the deficiencies of Browning and/or Brown, no matter how these references may be combined. Landgrebe fails to teach or suggest a porous textile having a macroporous texture and a protected zone (coated portion) wherein an absorbable noncontinuous film coats the textile and the macroporous texture of the textile in the protected zone is not occluded. Rather, Landgrebe discloses an implant for suspension of the urinary bladder having two pairs for projections and non-parallel edges. Although Landgrebe discloses the implant may be made from nonabsorbable materials having an absorbable coating thereon, there is no teaching or suggestion in Landgrebe of a textile having a macroporous structure on the coated area of the implant. Thus, neither Browning, Brown nor Landgrebe, taken alone or in any combination, render claim 11 obvious and reconsideration of this rejection is respectfully requested.

Claims 1 through 3, 6, 8 through 14, and 16 through 18 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 through 17 of copending U.S. Application Serial No.10/690532.

Claims 4 and 5 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 of copending U.S. Application Serial No.10/690532 in view of Ory.

Claim 7 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 of copending U.S. Application Serial No. 10/690532 in view of Browning.

Applicant notes the above double patenting rejections of claims 1, 3 through 14 and 16 through 18. While not necessarily agreeing with these rejections, applicant will consider filing a Terminal Disclaimer once all other issues of patentability are resolved.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



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